

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:18-cr-0124-TWP-MJD
)	
DONALD RICHARDSON,)	
)	- 01
Defendant.)	

REPORT AND RECOMMENDATION

On March 8, 2022, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on December 17, 2021. Defendant Richardson appeared in person with his appointed counsel Joseph Cleary. The government appeared by Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Brian Bowers.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Richardson of his rights and provided him with a copy of the petition. Defendant Richardson orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant admitted violation number 2. [Docket No. 36.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

2

“You must not commit another federal, state, or local crime.”

On December 8, 2021, Mr. Richardson was charged with Confinement, Battery on a Person Less than 14 Years Old, Domestic Battery in the Presence of a Child Less Than 16 Years Old, and Interference with the Reporting of a Crime in Monroe County, Indiana, under docket number 53C02-2112-F6-001016.

According to the police report, Mr. Richardson resided with his girlfriend and her children in Bloomington, Indiana. He and his girlfriend engaged in a verbal altercation that became physical. Her oldest son, a 13-year-old, observed Mr. Richardson shove his mother into a bedroom multiple times, once after she was attempting to retreat. He heard his mother screaming from inside the bedroom, forcefully opened the locked door, observed Mr. Richardson pinning his mother against a wall while yelling at her. His mother attempted to retreat but Mr. Richardson grabbed her by the hair and began dragging her. Her other children attempted to physically intervene and stop Mr. Richardson from continuing the physical attack; however, he shoved them away. One of the children attempted to call 911 but Mr. Richardson took his phone. One child also reported Mr. Richardson threw his mother's phone over the porch and broke it.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is IV.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months’ imprisonment.

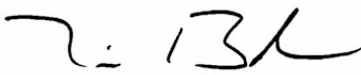
5. The parties jointly recommended a sentence of twelve (12) months and one (1) day with no supervised release to follow. Defendant requested placement at FCI Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months and one (1) day with no

supervised release to follow. The Magistrate Judge will make a recommendation of placement at FCI Terre Haute. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 3/8/2022



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system